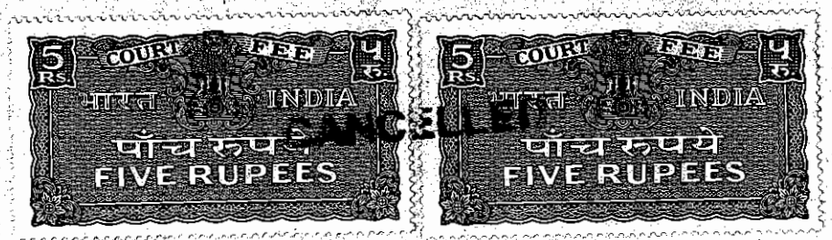

CF 1 D (3)

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR (C.G.)

WRIT PETITION NO. 5079 /2004

PETITIONER

Municipal Corporation Bilaspur Through : Its Commissioner, Municipal Corporation Bilaspur (Chhattisgarh)

5079/04 C. D. Shrivastava
P.R. No.
Presented by Shri
dated 31/12/04

VERSUS

RESPONDENT

M/s. Bansilal Nanda, A partnership firm, M.G. Road, Dhamtari, Distt. Dhamtari (CG), through : Partner, Rajkumar Soni.

WRIT PETITION UNDER ARTICLES 227 OF THE CONSTITUTION OF INDIA

XI-HC—78

(21)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P. No. 5079/ सन् 2004

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश
	25.1.2005 Heard Shri M.D. Sharma, counsel for the petitioner. The petitioner has preferred this writ petition under Article 227 of the Constitution of India, questioning the legality of the order dated 2.8.2004 passed by the 1st Additional District Judge, Bilaspur, in Execution Case No.3/2004. Learned counsel for the petitioner submits that the decree was against the erstwhile Bilaspur Development Authority, whereas the learned Court below has issued the warrant of attachment against the Municipal Corporation, Bilaspur, which is not party before that Court. In my opinion, proper remedy available to the petitioner was to move the executing Court raising this objection, instead of filing this writ petition before this Court. In view of the above observation, learned counsel for the petitioner seeks to withdraw this writ petition with liberty to move before the executing Court. The petition is dismissed as withdrawn with liberty aforesaid. Consequently, M.(W.)P.No.5300/2004 and I.A.No.9968/2004 stand disposed of. Certified copy as per Rules. **Sd/-** **L.C. Bhadoo** **Judge**	